

APPROVED: Meeting No. 2-87

ATTEST: *Helen McKenaghan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 37-86

September 22, 1986

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville, City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, September 22, 1986, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman James Coyle

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson, City Clerk Carol A. Kachadoorian, City Attorney Paul T. Glasgow.

Re: Invocation

Rabbi David A. Kaye, Har Shalom Congregation provided the invocation.

Re: City Manager's Report

Mr. Robinson reported the following:

1. On Tuesday, September 23, 1986, 14 high school students and three teachers from Rockville's Sister City, Pinneburg, West Germany, will arrive to begin a three-week visit. This is the third German student group to visit Rockville since 1984. The Rockville Sister City Corporation has arranged housing with Rockville families, and Mr. Thomas Quelet, the

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principal of Richard Montgomery High School, has been cooperative in arranging for the students to attend classes and use the school as the staging point for daily trips throughout the area. Trips include visits to Williamsburg, Busch Gardens, Annapolis, Philadelphia, Gettysburg, Harpers Ferry and Washington, DC. The students will be returning to Pinneberg on October 14, 1986.

2. The sale of the Red Barn was made final on September 22, 1986. The City expects to take possession of the building on Wednesday, September 24, 1986, and will immediately begin working with the residents to relocate them.

3. A copy of an interoffice report on the Congressional Towers and Rollins Park survey was provided to the Mayor and Council last Friday. Surveys are still coming in; and therefore, a statistical analysis of the survey is not final. It is expected that results from the survey will be completed in two weeks and will be available for the public.

4. The City Hall Blues soundly beat the News Bears from the Chronicle by a score of 6 to 5.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. Mayor Van Grack stated he was pleased to see the Red Barn project moving so smoothly. He feels it is important to note that the project began at the insistance of the former Mayor Viola Hovsepian and that a great deal of credit needs to go to her. Viola Hovsepian was present to receive the thank you from Mayor Van Grack.

2. Mayor Van Grack reported that his foot patrol experience in the Lincoln Park community last Friday was a very informative and educational experience.

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3. Mayor Van Grack noted that he visited College Gardens Elementary School to watch the ceremony for the Excellence Award that was given to the school. He noted that he was delighted to participate in the ceremony on behalf of the City. In addition, Mayor Van Grack advised that both College Gardens and St. Elizabeth's Elementary Schools would be present at the Mayor and Council meeting on October 6, 1986 to receive a proclamation from the City.

Councilman Hartogensis suggested that the Pinneberg students be treated to the City's Oktoberfest to be held on Sunday, September 28, 1986 from noon to 6:00 p.m. at the Rockville Senior Center.

Re: Appointments

Mayor Van Grack, with the confirmation of the Council, made the following appointment:

<u>Rockville Housing</u>	Michael Gewirtz	To fill the unexpired term
<u>Authority</u>	1520 Columbia Avenue	of Al Mohorn. Term expires
		August 1987.

Councilman Hartogensis stated he was pleased to have someone with Mr. Gewirtz's background and talents to service on the board and welcomed him to the Rockville Housing Authority.

Councilman Abrams also welcomed Mr. Gewirtz.

Re: Citizens Forum

1. Mr. Joseph Zetts, 121 Ritchie Parkway, thanked the Mayor and Council for their efforts in reaching an agreement with Southland Corporation to close the Seven-Eleven Store at Ritchie Center between midnight and 5:00 a.m. Councilman Coyle noted that the City received a letter from Southland Corporation advising us of the closing, and he was impressed by the spirit of the letter. He thanked Southland for being so

cooperative.

2. Viola Hovsepian, 2 Tweed Court, commended the Mayor and Council for passage of the truck parking ordinance, noting that it will enhance the appearance of neighborhoods in the City.

3. James Moone, 1204 Potomac Valley Road, distributed to the Mayor and Council material on business interests in South Africa. Mayor Van Grack thanked Mr. Moone for the material and advised him that the Mayor and Council will be considering a resolution on South Africa at its meeting on October 6, 1986.

Councilman Abrams informed Mr. Moone of an article in this week's issue of City's Weekly, a publication of the National League of Cities on local governments' authority to pass legislation regarding contracts with businesses in South Africa. Councilman Abrams reminded Mr. Moone that the City does have a policy not to invest in companies in South Africa and suggested that it is difficult to have a total prohibition. He cited an example of the Coca-Cola Company which has divested its interest in South Africa; however, still sells its syrup to a company in South Africa that is owned by black and white interests. Mr. Moone stated that he understood the difficulty in achieving total divestiture. However, he felt it is important for South Africa to feel as much economic pressure as possible.

Councilman Duncan thanked Mr. Moone for the materials he distributed and stated there was no official adopted City policy regarding divestment and feels one should be adopted.

Re: Consent Agenda

On motion of Councilman Duncan, duly seconded and unanimously passed, the Mayor and Council approved the next three items on the consent agenda.

Re: Introduction of  
Ordinance to Grant Text  
Amendment, T-74-85,  
Westmont Associates,  
Applicant

On motion of Councilman Duncan, there was introduced upon the table an ordinance to grant Text Amendment Application, T-74-85. Said ordinance to lay over at least one week before final action is taken.

At its meeting of July 23, 1986, the Planning Commission completed review of the subject text amendment which, if adopted, will eliminate the need to obtain separate special exception approval from the Board of Appeals for certain uses proposed in a Comprehensive Planned Development Application.

The Commission discussed this proposal at length on two occasions including review of particular procedural concerns addressed in the supplemental staff memo of July 18, 1986.

The Commission is now prepared to recommend approval of the text amendment generally in the form recommended in the Staff Report dated March 7, 1986. A number of further refinements and adjustments are also recommended by the Commission as follows:

1. All uses should be listed on the Tables of Uses, Section 3-201, in a separate column for "comprehensive Planned Development" rather than in the current "additions and deletion" format.
2. One of the permitted-uses should be split in two uses as follows:
  - a. Newspaper, book and magazine publishing; and
  - b. Newspaper, book and magazine printing, not to exceed 5,000 square feet in one location.
3. Medical practitioner's office should be made a "permitted use", provided it is not the exclusive use of building.
4. Section 5-703(1) should be rewritten as follows:

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The Mayor and Council may either (1) authorize any or all uses permitted in the O-3 and I-3 Zones in the Concept Plan or (2) delegate to the Planning Commission the authorization of any or all uses at the detailed application stages provided such uses are consistent with the Concept Plan.

Re: Introduction of an  
Ordinance to Levy  
Special Assessment for  
Water and Sewer Mains  
and Laterals in Orchard  
Ridge Subdivision

This ordinance had been placed on the agenda of September 22, 1986, for introduction. On the agenda last week, however, it was included in the consent agenda for adoption rather than introduction. On advice of the City Attorney, this ordinance should be introduced at tonight's meeting.

Staff is preparing letter to be sent to each property owner in the subdivision advising them that the special assessment will be levied beginning this year.

On motion of Councilman Duncan, there was introduced upon the table an ordinance to levy special assessments for water and sewer mains and laterals in the Orchard Ridge subdivision. Said ordinance to lay over at least one week before action is taken.

Re: Award of Contract for  
Invitation to Bid  
20-87 - Mansion First  
Floor Restrooms and  
Coat Area

Bids were solicited for the renovation of the first floor restrooms at the Civic Center Mansion. In Fiscal Year 1986, a bid for this work was rejected as being over budget, and it was recommended at that time that ads be placed in local newspapers as well as in the bid publication services.

Several contractors requested specifications, one of which was late for

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the bid opening. One response was received:

David Contractors, Inc.                      \$28,777.00

The budgeted amount is \$34,000.00

David Contractors, Inc. has not done work for the City but has been in business since 1973 and has done work of similar nature for the Federal Government. The Civic Center supervisor has determined to his satisfaction that they can perform the work, and performed satisfactorily for other customers.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 20-87 was awarded to David Contractors, Inc. in the amount of \$28,777.00 for renovation of the Civic Center Mansion first floor rest-rooms and coat area.

Re: Decisions and  
Instructions to  
Staff on Street  
Closing and  
Abandonment Applica-  
tion SCA-51-86,  
Congressional South  
Associates, Limited  
Partnership,  
Applicant

Congressional South Shopping Center occupies a 12.6 acre tract on the southwest corner of Rockville Pike and Halpine Road. The land is zoned C-2, General Commercial, and is developed with a wide variety of commercial uses. Construction is now underway for a new 20,000 square foot retail building and a seven-story, 162 unit hotel, both approved by the Planning Commission in 1985.

The current construction provides some traffic access and circulation improvements, including relocation of a portion of the Rockville Pike public

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service drive. The service drive relocation will allow traffic to exit onto Halpine Road further west from the Rockville Pike intersection and thus improve northbound exiting from the site. The Planning Commission has approved the relocation of the service drive, as part of the use permit process, and the new easement has been dedicated. However, the old public easement remains to be abandoned.

The City Attorney has previously advised that abandonment of a public service drive easement must be processed in the same manner as the abandonment of any public right-of-way, therefore, this application is required to accomplish this.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Mayor and Council approved the staff's recommendation. Staff was instructed to prepare the necessary documents to grant approval of this application.

Re: Public Hearing: Text  
Amendment, T-76-86,  
Mayor and Council,  
applicant, to amend  
Chapter 6, Section  
1-315 of the "Laws of  
Rockville"

The Mayor and Council conducted a public Hearing on Text Amendment T-76-86, to amend Chapter 6, Section 1-315 of the "Laws of Rockville" and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Public Hearing: Text  
Amendment, T-80-86,  
Mayor and Council,  
Applicant, to amend  
Chapter 6, Section 3-401  
of the "Laws of  
Rockville"



The Mayor and Council conducted a public hearing on Text amendment T-80-86, to amend chapter 6, Section 3-401 of the "Laws of Rockville" and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: For Your Information

The Mayor and Council noted the following items of information:

1. Letter to Philip J. Tierney, Director, Office of the Hearing Examiner, Montgomery County, regarding postponement of the October 15, 1986, hearing for Zoning Application No. G-522 (Fortune Parc).

Councilman Hartogensis noted a letter received from Norm Christeller of the Park and Planning Commission and commended Mr. Christeller for his spirit of cooperation. Mayor Van Grack agreed with Councilman Hartogensis; however, he said he hopes this spirit of the letter is reflected in actions.

Councilman Coyle asked if the City has received any response to our letter suggesting preferred hearing dates for the Fortune Parc development. City Manager Richard Robinson advised that the City has not received a response; however, a copy of a letter from the applicant to the County stating that the November or December, 1986 hearing dates were preferred to the January 1987 hearing date has been received.

2. Letter from Jesse Smith, Zone Manager, 7-Eleven Stores, regarding hours for the store at Ritchie Center.
3. Correspondence regarding the on-site disposal system at Congressional Towers Apartments.

Re: Correspondence

1. Letter from the Academy for State and Local Government thanking the City for our support of the Legal Center.

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Re: New Business

Councilman Coyle asked when the work session on rent control would be scheduled. Mayor Van Grack responded that the session will be scheduled once the survey results have been tabulated. He noted that the work session needs to be scheduled promptly and asked that the City Manager do so.

Re: Executive Session

There being no further business to come before the Mayor and Council, the meeting was closed at 8:55 p.m. for Executive Session.

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 9:37 p.m. to convene again in general session on Monday, October 6, 1986, at 8:00 p.m. or at the call of the Mayor.